

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

OMAR SEGURA,)	Case No.: 1:23-cv-0780 JLT BAM (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS AND DISMISSING
v.)	DEFENDANT JOHN DOE 1 WITHOUT
)	PREJUDICE
MALDONADO, et al.,)	
)	(Doc. 37)
Defendants.)	
)	
)	

Omar Segura seeks to hold the defendants liable for violations of his civil rights while incarcerated at North Kern State Prison. (Doc. 7.) Plaintiff stated cognizable claims against Correctional Officers Cohello and “John Doe 1” for excessive force in violation of the Eighth Amendment, and the action is proceeding only as to these defendants. (Docs. 9, 10.) Because Plaintiff did not provide sufficient information to identify “John Doe 1” and to serve the unidentified defendant, the magistrate judge recommended that “Defendant John Doe 1 be dismissed from this action, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m).” (Doc. 37 at 3.)

The Court served these Findings and Recommendations on Plaintiff and notified him at that any objections were due within 14 days. (Doc. 37 at 3.) The Court advised Plaintiff the “failure to file objections within the specified time may result in the waiver of the ‘right to challenge the magistrate judge’s factual findings’ on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so expired.

1 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
2 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
3 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on July 22, 2024 (Doc. 37) are **ADOPTED**
5 in full.
- 6 2. The claim against Defendant John Doe 1 is **DISMISSED** without prejudice.
- 7 3. The Clerk of Court is directed to update the docket and terminate Defendant John Doe 1.

8
9 IT IS SO ORDERED.

10 Dated: **August 15, 2024**


UNITED STATES DISTRICT JUDGE